

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

THOMSON REUTERS ENTERPRISE)	
CENTRE GMBH and WEST PUBLISHING)	
CORPORATION,)	
)	C.A. No. 20-613-SB
Plaintiffs/Counterdefendants,)	
)	JURY TRIAL DEMANDED
v.)	
)	
ROSS INTELLIGENCE INC.,)	PUBLIC VERSION
)	
Defendants/Counterclaimant.)	

**DEFENDANT’S OBJECTIONS TO EVIDENCE OFFERED IN SUPPORT OF
DEFENDANT’S OPPOSITION TO PLAINTIFFS’
MOTION FOR PARTIAL SUMMARY JUDGMENT (NO. 3) ON
FAIR USE AND OTHER DEFENSES (D.I. 253, 254)**

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Dated: January 30, 2023
10570458 / 20516.00001

Public Version Dated: February 6, 2023

Defendant ROSS Intelligence Inc. hereby submits these Objections to Evidence Offered in Support of Defendant's Opposition to Plaintiffs' Motion for Partial Summary Judgment (No. 3) on Fair Use and Other Defenses (D.I. 253, 254.). A party may object to material cited in support of a motion which "cannot be presented in a form that would be admissible in evidence." Fed. R. Civ. P. 56(c)(2); *Pamintuan v. Nanticoke Mem. Hosp.*, 192 F.3d 378, 387 n.13 (3d Cir. 1999); *Smith v. City of Allentown*, 589 F.3d 684, 693 (3d Cir. 2009). ROSS objects to the following:

Exhibit No.	Page Number Citation	Document Description	Grounds for Objection	Ruling
D.I. 255-1, Ex. 22, ¶¶ 82, 100, 103-114, 149, & pp. 34-37, 78-89.	D.I. 254 at 3, 6, 9, 10, 17.	Opening Expert Report of Dr. Jonathan Krein (Aug. 1, 2022)	Improper Expert Opinion. Plaintiffs rely on Krein’s report to establish facts [REDACTED] [REDACTED] An expert is permitted to offer their opinion, they cannot be used to establish the underlying facts. See FRE 702.	Sustained _____ Overruled _____
D.I. 255-3, Ex. 24 at 53.	D.I. 254 at 4.	Opening Report of James Malackowski (Aug. 1, 2022)	Improper Expert Opinion. Plaintiffs rely on Malackowski to establish facts regarding [REDACTED] [REDACTED] An expert is permitted to	Sustained _____ Overruled _____

Exhibit No.	Page Number Citation	Document Description	Grounds for Objection	Ruling
			offer their opinion, they cannot be used to establish the underlying facts. <i>See</i> FRE 702.	
D.I. 255-3, Ex. 30	D.I. 254 at 4.	LEGALEASE-00078065 (Best Practices Guide for ROSS Intelligence).	<p>Misstates the Document. Plaintiffs rely on this document to establish [REDACTED]</p> <p>(Ex. 30 at LEGALEASE-00078068). Accordingly, it does not establish copying.</p>	<p>Sustained _____</p> <p>Overruled _____</p>
D.I. 255-4, Ex. 45	D.I. 254 at 4.	ROSS-000304769 (email chain between ROSS and LegalEase)	<p>Misstates the Document. Plaintiffs rely on this document to establish that ROSS [REDACTED]</p> <p>This exhibit however, [REDACTED]</p> <p>Nothing in this exhibit mentions “[REDACTED]</p>	<p>Sustained _____</p> <p>Overruled _____</p>

Exhibit No.	Page Number Citation	Document Description	Grounds for Objection	Ruling
D.I. 255-4, Ex. 48	D.I. 254 at 16.	ROSS-003382388 (data spend spreadsheet)	<p>Misstates the Document. Plaintiffs rely on this document to establish that ROSS paid LegalEase over [REDACTED]</p> <p>[REDACTED] This exhibit, however, [REDACTED]</p> <p>[REDACTED] (See D.I. 255-1, Ex. 87 (TR-0038923, ROSS-LegalEase SOW II for bulk memo project which would conclude December 19, 2017).) Accordingly, this spreadsheet [REDACTED]</p>	<p>Sustained _____</p> <p>Overruled _____</p>
D.I. 255-4, Ex. 57	D.I. 254 at 4.	ROSS-003419784 (ROSS document titled “Mapping practice areas with the new Q&A data)	<p>Misstates the document. Plaintiffs rely on this document to establish that ROSS [REDACTED]</p> <p>[REDACTED] This document, however, [REDACTED]</p> <p>[REDACTED] (See Supplemental Declaration of Jimoh Obviegale filed January 30, 2023.) Moreover,</p>	<p>Sustained _____</p> <p>Overruled _____</p>

Exhibit No.	Page Number Citation	Document Description	Grounds for Objection	Ruling
			this document does not contain references to “Headnotes” or “Westlaw.”	
D.I. 255-4, Ex. 61	D.I. 254 at 4.	ROSS-003658597 (ROSS document titled “Case Classification”)	<p>Misstates the document. Plaintiffs rely on this document to establish [REDACTED]</p> <p>[REDACTED]</p> <p>This document, however, does not relate to the [REDACTED]. This document, [REDACTED]</p> <p>(See Supplemental Declaration of Jimoh Obviegele filed January 30, 2023.) Additionally, this document does not contain references to “Headnotes” or “Westlaw” or “memo.”</p>	<p>Sustained _____</p> <p>Overruled _____</p>
D.I. 255-9, Ex. 88	D.I. 254 at 13.	TR-0039808 (LegalEase email)	<p>Misstates the Document. Plaintiffs rely on this document to establish that [REDACTED]</p> <p>[REDACTED]</p>	<p>Sustained _____</p> <p>Overruled _____</p>

[illegible]

ROSS respectfully requests that the Court sustain the above objections under Fed. R. Civ.

P. 56 and exclude the proffered evidence.

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Respectfully submitted,

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